

PLAINTIFF COMMODITY FUTURES TRADING COMMISSION'S FIRST SET OF DOCUMENT REQUESTS TO DEFENDANT PATRICK K. MCDONNELL

[DEFENDANT SUPPLEMENTED ANSWER]

1. All documents and communications that you have used or may use to support your defense of the Commission's claims, including but not limited to materials you used in preparation for or during the March 6, 2018 Hearing, or that you referred to during the April 12, 2018 telephone conference before Chief Magistrate Judge Mann.

RESPONSE TO REQUEST #1. Defendant does not possess many communications or documents relating to his defense as each time Defendant requests Discovery of Plaintiff attorney's whether by deposition or subpoena either Court or Plaintiff declares they are not parties to this action. Defendant defense is left to depend on Discovery of Plaintiff and whatever information may be publicly available online as well as Defendant stated truths on Court recorded minutes. Defendant provides following links/references to articles used in preparation of March 06, 2018 Hearing as requested, or that Defendant may have referred to during the April 12, 2018 telephone conference before Chief Magistrate Judge Mann as Plaintiff claims.

- **Plaintiff Complaint** [Docket #1] Defendant has not attached because Plaintiff obviously drafted Complaint.
- **Defendant Motion To Dismiss** [Docket(s) #18, #18(1), #18(2), #18(3), #18(4) filed 02/15/18. Defendant has not attached because Plaintiff has been served appropriately.
- **Declaration of Christopher Giglio Pursuant To 28 U.S.C. § 1746 W/Exhibit Binder** Defendant has not attached because Plaintiff obviously drafted Declaration/Exhibits.
- **[EXHIBIT]** REF: Fear, uncertainty and doubt; From Wikipedia, the free encyclopedia **Website Link:** https://en.wikipedia.org/wiki/Fear,_uncertainty_and_doubt
- **[EXHIBIT]** REF: Internet troll; From Wikipedia, the free encyclopedia **Website Link:** https://en.wikipedia.org/wiki/Internet_troll
- **[EXHIBIT]** ARTICLE "The Guardian"; Ed Sheeran quits twitter after abuse from trolls **Website Link:** <https://www.theguardian.com/music/2017/jul/04/ed-sheeran-twitter-abuse-trolls>
- **[EXHIBIT]** ARTICLE "The Merkle"; Beware of the Fake Vitalik Buterin Profile On Twitter **Website Link:** <https://themerkle.com/beware-of-the-fake-vitalik-buterin-profile-on-twitter/>
- **[EXHIBIT]** ARTICLE "motherboard"; Ethereum Scammers Posing as Tech Celebrities Are Running Rampant On Twitter **Website Link:** https://motherboard.vice.com/en_us/article/7x7dxe/ethereum-scammers-posing-as-tech-celebrities-vitalik-buterin-are-rampant-on-twitter
- **[EXHIBIT]** ARTICLE "CoinTelegraph"; Multiple 'Charlie Lee' Imposter Twitter Accounts Promise Fake LTC Giveaway **Website Link:** <https://cointelegraph.com/news/multiple-charlie-lee-impostor-twitter-accounts-promise-fake-ltc-giveaway>

- [EXHIBIT] ARTICLE "Wall Street Journal"; CFTC Reports Steep Drop in Enforcement Actions and Fines **Website Link:**
<https://www.wsj.com/articles/cftc-reports-steep-drop-in-enforcement-actions-and-fines-1511384084>
- [EXHIBIT] ARTICLE "Pensions & Investments"; CFTC Enforcement actions down significantly from previous fiscal year **Website Link:**
<http://www.pionline.com/article/20171127/ONLINE/171129904/cftc-enforcement-actions-down-significantly-from-previous-fiscal-year>
- [EXHIBIT] ARTICLE "Wall Street Journal"; CFTC Steps Up Enforcement Against Fraud, Market Manipulation **Website Link:**
<https://www.wsj.com/articles/cftc-steps-up-enforcement-against-fraud-market-manipulation-1519727401>
- [EXHIBIT] ARTICLE "CNBC"; US Government is nowhere close to regulating bitcoin, White House cybersecurity coordinator says **Website Link:**
<https://www.cnbc.com/2018/02/16/munich-security-conference-us-government-nowhere-near-regulating-bitcoin.html>
- [EXHIBIT] ARTICLE "CRYPTOVEST"; CFTC, SEC Chairs Ready to Discuss Virtual Currencies Before Congressional Committee **Website Link:**
<https://cryptovest.com/news/cftc-sec-chairs-readying-to-discuss-virtual-currencies-before-congressional-committee/>
- [EXHIBIT] ARTICLE "U.S. SENATE COMMITTEE ON BANKING, HOUSING, & URBAN AFFAIRS"; Virtual Currencies: The Oversight Role of the U.S. Securities and Exchange Commission and the U.S. Commodity Futures Trading Commission **Website Link:**
<https://www.banking.senate.gov/hearings/virtual-currencies-the-oversight-role-of-the-us-securities-and-exchange-commission-and-the-us-commodity-futures-trading-commission>
- [EXHIBIT] ARTICLE "LAW360"; Digital Currency Co. Says CFTC's Suit Is Political **Website Link:**
<https://www.law360.com/articles/1013762/digital-currency-co-says-cftc-s-suit-is-political>
- [EXHIBIT] ARTICLE "Reuters"; U.S. CFTC sues three virtual currency operators for fraud **Website Link:**
<https://www.reuters.com/article/us-usa-cftc-bitcoin/u-s-cftc-sues-three-virtual-currency-operators-for-fraud-idUSKBN1F81K9>
- [EXHIBIT] ARTICLE/VIDEO "CNBC"; CFTC charges CabbageTech with virtual currency fraud **Website Link:**
<https://www.cnbc.com/video/2018/01/19/cftc-charges-cabbagetech-with-virtual-currency-fraud.html>
- [EXHIBIT] ARTICLE "CCN"; United States CFTC Claims Jurisdiction over Bitcoin **Website Link:** <https://www.ccn.com/united-states-cftc-claims-jurisdiction-over-bitcoin/> **[EXHIBIT ATTACHED];** Defendant business twitter account and website descriptions.

Defendant has already mentioned on record that the above physical documents were disposed of after March 06, 2018 hearing and is respectfully submitting live links to sources of requests.

2. All documents and communications relating to accounts under the name of or under the control of McDonnell.

RESPONSE TO REQUEST #2.

Defendant to the best of his knowledge does not maintain or recall any type of account(s) under his name, nor, does Defendant possess control of any account(s) outside of a possible virtual currency wallet held at Poloniex which he was tipped \$4.00. Defendant does not possess any type of documents/communications as believed there is no such account(s) related to him. Defendant has discussed with Plaintiff when he did transact in virtual currency it was via a personal Bittrex multi-wallet **[all account communications/documents already in Plaintiff possession]** and/or decentralized wallets which Defendant has provided to Plaintiff in an earlier discovery response. Defendant had only **two specific** virtual currency wallets identified by Plaintiff in regards to **CabbageTech, Corp.** [**“Company”**] transactions [**“1 Bitcoin address and 1 Litecoin address”**] which Defendant has already supplied data requested to the best of his knowledge and recollection. Defendant was not in the business of managed investment accounts as clearly documented in **[EXHIBIT ATTACHED]**; *Defendant business twitter account and website descriptions*. Defendant logically does not see a single source to possess specific information requested by Plaintiff. As noted in March 06, 2018 Court minutes Plaintiff already possesses Defendant's personal Bittrex virtual currency multi-wallet records beyond time-period in question of filed Complaint. Above mentioned specific Defendant decentralized wallets/keys were destroyed per industry security rule of thumb duly noted to Plaintiff previously. Defendant carefully researched both public blockchains to the best of his knowledge and recollection.

3. All documents and communications concerning transactions that related to McDonnell and/or CDM and involved any virtual currency, including but not limited to those identifying virtual currency addresses and transaction IDs relating to CDM and/or McDonnell.

RESPONSE TO REQUEST #3.

As mentioned in Response #2, Defendant has previously provided Plaintiff with any/all possible digital documents and communications concerning known business/personal virtual currency addresses and transactions via the public blockchain(s) of said request. Defendant does not possess any virtual currency address or additional transaction IDs to his recollection not already known to Plaintiff. Defendant business was very small not to be confused as a huge corp. entity.

4. All documents and communications relating to CDM. These documents and communications should include but not be limited to the following:

RESPONSE TO REQUEST #4.

Defendant has addressed this question numerous times on Court record initially at the March 06, 2018 hearing. Defendant expressed his concerns that nearly everything digital had been deleted from internet/website, etc. during an unwarranted FUD/Trolling attack on CabbageTech, Corp. Defendant never possessed a printer until recent months into this Complaint, therefore, never at any time was there business printed documents or communications in physical form.

a. All documents and communications relating to clients and potential clients of CDM.

RESPONSE TO REQUEST #4a.

As mentioned in Response #4, Defendant possesses no digital/physical documents or communications relating to clients and potential clients of business. Defendant has declared on Court record that the information sought in regards to client list is located within business PayPal account that Plaintiff has been authorized by Defendant signature to obtain via subpoena request. Plaintiff has also been afforded by Defendant authorization/permission access to business email account coindropmarkets@gmail.com. Defendant is aware of Plaintiff issue regarding access to said account and is in the process of retrieving as Court ordered 06/01/18.

b. All documents and communications relating to solicitation materials developed, used by or in the possession of CDM.

RESPONSE TO REQUEST #4b.

Please refer to **[EXHIBIT ATTACHED]**; Defendant business twitter account and website descriptions only data available to Defendant currently available online for public review.

c. All documents and communications relating to trading conducted by or under the authority of McDonnell and/or CDM, including but not limited to accounts opened at futures commission merchants, virtual currency exchanges, or any other trading firm or service facilitating trading of virtual currency.

RESPONSE TO REQUEST #4c.

As mentioned in Response #2, Defendant was not in the business of managed investment accounts as clearly documented in **[EXHIBIT ATTACHED]**; *Defendant business twitter account and website descriptions*. As noted in March 06, 2018 Court minutes Plaintiff already possesses Defendant's personal Bittrex virtual currency multi-wallet records beyond time-period in question of filed Complaint. As discussed in previous meet-and-confer telephone calls Defendant has been locked-out of Bittrex multi-wallet, yet, Plaintiff is in possession of needed documents and communications already assumably via inquiry prior March 06, 2018 hearing. Defendant has not traded stocks or any other type of investment vehicle for decades and maintains not even an IRA account. Defendant is indigent and not afforded these avenues in current financial situation. Defendant is unbanked and marked via Check Systems nationwide specialty consumer reporting agency. Defendant had maintained a banking application 'not' account at www.simple.com which Plaintiff is already in possession of as per subpoena notifications and requests served on Defendant as recent as 06/01/18 that was closed-out on June 12, 2017. **ie; To be sure, Simple is not actually a bank, and customer money is held in FDIC-insured accounts at a partner bank. The company makes money from interest and transaction fees.**

d. All documents and communications related to CDM's websites, including but not limited to the Following:

RESPONSE TO REQUEST #4d.

Please refer to **[EXHIBIT ATTACHED]**; *Defendant business website description only data available to Defendant currently available online for public review*. Defendant possesses no documents or communications related to former business website. Defendant is confused to Plaintiff use of “websites” vs website? Defendant only recalls CabbageTech, Corp. having 1 business website in regard to membership/subscription-based informational services offered.

i. the trading track record posted on CDM’s websites, such as without limitation increased bitcoin balances and protections against volatility;

RESPONSE TO REQUEST #4di.

Defendant does not recall, nor, does ATTACHED website information disclose any type of trading track record posted on behalf of business. Defendant believes business would have needed to have operated for a full 12 month fiscal year to create such trading track record. Defendant does not understand Plaintiff reference in regards to “*such as without limitation increased bitcoin balances and protections against volatility*;” If Plaintiff is referencing once again the trading on behalf of members/subscribers? Defendant once again refers Plaintiff to; Response #2, Defendant was not in the business of managed investment accounts as clearly documented in **[EXHIBIT ATTACHED]**; *Defendant business twitter account and website descriptions*.

ii. the trading performance, effectiveness, and/or functionality of CDM’s trading strategies;

RESPONSE TO REQUEST #4dii.

Defendant was not in the business of managed investment accounts so any ‘trading performance’, ‘effectiveness’, and/or ‘functionality of business trading strategies’ do not apply as CabbageTech, Corp. was an unbiased service that did not offer ‘specific’ and/or ‘tailored’ investment or trading advice to members/subscribers. CabbageTech, Corp. offered ‘opinions’ with ‘proposed’ entry/exit points always warning members/subscribers to seek professional advice prior investing in any investment opinion published. Defendant would believe that each member/subscriber experienced somewhat different ‘not’ identical results as each would be acting on their own merits and timing. However, the few reports Defendant remembers in regards to virtual currency publications would include Bitcoin, Litecoin, and Ethereum in which each had resulted in a couple hundred percent profit from the date of each individual opinion.

iii. the customer-related materials; and

RESPONSE TO REQUEST #4diii.

As mentioned in Response #4, Defendant possesses no digital/physical documents or communications relating to clients and potential clients of business that would include materials.

iv. hosting, storage, functioning, or maintenance of the websites.

RESPONSE TO REQUEST #4div.

Defendant possesses no digital/physical documents or communications relating to hosting, storage, functioning, or maintenance of former business website and never has respectively.

e. All documents and communications relating to accounts under the name of or under the control of CDM.

RESPONSE TO REQUEST #4e.

Defendant does not possess any documents or communications relating to accounts under the name of or under the control of CDM business as it was not broad/wide as Plaintiff may assume. Defendant believes if any records do or may exist Plaintiff would be afforded them via Gmail, PayPal, Twitter, as well as other previously signed Court ordered authorizations provided by Defendant throughout the Discovery period.

f. All documents relating to any individual, group, or entity conducting business with or on behalf of CDM.

RESPONSE TO REQUEST #4f.

Defendant does not possess any documents relating to the above styled parties as the business did not conduct through any third-party, 'individual', 'group', or 'entity' with or on behalf of CDM.

